

DISTRICT COURT OF GUAM  
TERRITORY OF GUAM  
CRIMINAL MINUTES  
SENTENCING

**FILED**  
DISTRICT COURT OF GUAM

FEB - 7 2006

MARY L.M. MORAN  
CLERK OF COURT

CASE NO. MJ-05-00041

DATE: February 7, 2006

HON. JOAQUIN V. E. MANIBUSAN, JR., Magistrate Judge, Presiding

Law Clerk: Judith Hattori

Court Recorder: Wanda M. Miles

Courtroom Deputy: Leilani Tores Hernandez

Hearing Electronically Recorded: 9:37:26 - 9:48:29

CSO: J. McDonald

\*\*\*\*\* APPEARANCES \*\*\*\*\*

DEFT: MING CHEN

(X) PRESENT (X) CUSTODY ( ) BOND ( ) P.R.

ATTY : WILLIAM GAVRAS

(X) PRESENT ( ) RETAINED ( ) FPD (X) CJA APPOINTED

U.S. ATTORNEY: KARON JOHNSON

AGENT:

U.S. PROBATION: STEVE GUILLIOT

U.S. MARSHAL: C. MARQUEZ / W. GRAY

INTERPRETER: FOO MEE CHUN CLINARD

LANGUAGE: MANDARIN

( ) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS

Base offense level:

Total offense level:

Criminal History Category:

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Impose a sentence pursuant to the recommendation by the probation officer.

(X) COUNSEL ADDRESSED THE COURT AND REPRESENTED THE DEFENDANT'S REMORSE FOR HIS ACTIONS

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Concur with the recommendation of counsel for a sentence of credit for time served.

( ) LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

The Court stated that because the offense is a Class B Misdemeanor, the U.S. Sentencing Guidelines are not applicable.

(X) DEFENDANT COMMITTED TO THE BUREAU OF PRISONS FOR A TERM OF 152 DAYS WITH CREDIT FOR TIME SERVED.

(X) UPON RELEASE FROM IMPRISONMENT, DEFENDANT IS PLACED ON SUPERVISED RELEASE FOR A TERM OF SIX MONTHS.

THE TERM OF SUPERVISED RELEASE WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL BE TURNED OVER TO A DULY AUTHORIZED IMMIGRATION OFFICIAL FOR DEPORTATION PROCEEDINGS PURSUANT TO 18 U.S.C. §3583(d), AND WITH THE ESTABLISHED PROCEDURES PROVIDED BY THE IMMIGRATION AND NATURALIZATION ACT UNDER 8 U.S.C. §1101. AS A FURTHER CONDITION OF SUPERVISED RELEASE, IF ORDERED DEPORTED, THE DEFENDANT SHALL REMAIN OUTSIDE AND SHALL NOT RE-ENTER THE UNITED STATES WITHOUT THE PERMISSION OF THE SECRETARY, DEPARTMENT OF HOMELAND SECURITY. IF DEPORTATION FAILS TO OCCUR AND THE DEFENDANT IS RELEASED FROM CONFINEMENT PENDING FURTHER IMMIGRATION PROCEEDINGS, HE SHALL IMMEDIATELY REPORT TO THE U.S. PROBATION OFFICE TO BEGIN HIS TERM OF SUPERVISED RELEASE.
2. DEFENDANT SHALL NOT COMMIT ANY FEDERAL, STATE AND LOCAL CRIME.
3. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF SUPERVISED RELEASE AS SET FORTH BY THE U.S. PROBATION OFFICE.
4. DEFENDANT SHALL NOT POSSESS A FIREARM OR OTHER DANGEROUS WEAPON.
5. DEFENDANT SHALL NOT USE OR POSSESS ILLEGAL CONTROLLED SUBSTANCES AND SHALL SUBMIT TO ONE URINALYSIS TEST WITHIN 15 DAYS AFTER SENTENCING AND, TO TWO MORE URINALYSIS TESTS WITHIN 60 DAYS THEREAFTER.
6. DEFENDANT SHALL MAINTAIN GAINFUL EMPLOYMENT.
7. DEFENDANT SHALL PERFORM 400 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE.

ALL FINES WERE WAIVED BY THE COURT. DEFENDANT WAS ORDERED TO PAY A SPECIAL ASSESSMENT FEE OF \$10.00 TO BE PAID FROM THE MONEY CONFISCATED AT THE TIME OF THE DEFENDANT'S ARREST.

COURT STATED THE JUSTIFICATION OF THE SENTENCE IMPOSED. DEFENDANT WAS ADVISED OF HIS APPEAL RIGHTS. DEFENDANT WAS RELEASED TO THE CUSTODY OF THE U.S. MARSHAL FOR PROCESSING.

Courtroom Deputy: 